



April 2, 2008

Honorable Sandré Swanson, Chair  
Assembly Committee on Labor & Employment  
State Capitol  
Sacramento, California VIA FAX

**RE: AB 2421 (HUFF) -- Oppose**

Dear Mr. Swanson:

The Service Employees International Union opposes Assembly Bill 2421, by Assembly Member Huff, which mandates all California employers to use the E-Verify system. SEIU members have been discriminated against and lost their rightful employment by the use and abuse of this system. It should be prohibited, not validated, by California law.

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AB 2421 requires the Attorney General, county counsel, or district attorney to investigate a complaint alleging that an employer has intentionally employed an unauthorized immigrant and, if confirmed to be true, notify local and federal entities of the unauthorized worker. AB 2421 also requires the county counsel or district attorney to bring an action for the violation and requires that, if the court finds an employer to have intentionally employed an unauthorized immigrant, the employer temporarily or permanently lose business licenses based on the severity of the offense and whether it is the first, second, or third such offense. This bill provides that an employer did not intentionally employ an unauthorized immigrant if the employer provides proof of verification of employment eligibility through E-Verify. Finally, this bill requires a list of employers with one such offense to be made available on the internet website of the Attorney General.

"E-Verify" is a voluntary, internet-based program used by a growing number of employers nationwide to electronically verify their workers' employment eligibility. The E-verify system uses information in databases maintained by the Department of Homeland Security and the Social Security Administration. While the program is often portrayed as a "magic bullet" to curb the hiring of unauthorized workers, it has been plagued by a multitude of problems since its inception in 1997, including the fact that E-Verify relies on extremely outdated databases. The Social Security Administration estimates that its records contain 17.8 million, or 4.1%, discrepancies related to name, date of birth, or citizenship status, with 12.7 million of those record discrepancies pertaining to U.S. citizens. Moreover, naturalized U.S. citizens are the most likely workers to be incorrectly identified as not authorized to work, compared to 0.1% of native-born citizens. As such, the program disproportionately impacts immigrants who are naturalized citizens and working here *legally*, placing them at greater risk of being falsely flagged for not having work authorization.

April 2, 2008

Page 2

The State should not place a mandate on employers to participate in a voluntary federal program while its error rate remains unacceptably high and it is plagued by deficiencies. In the face of so much evidence that E-Verify is neither a neutral nor reliable source of employment verification, it would be ineffective, burdensome, and detrimental to employers and employees alike a for the State of California to force businesses into this faulty system.

AB 2421 also increases costs for local and state agencies. The bill requires the Attorney General and County Counsel or District Attorneys to investigate compliance with federal immigration and labor laws that fall under the purview of the federal Department of Labor, Social Security Administration and Department of Homeland Security. By increasing the duties of County Counsel or District Attorneys, and increasing the quantity of claims brought before the courts, the bill mandates that the State and localities assume the burden of monitoring federal immigration and labor laws, stretching already thin resources that could be better focused on monitoring compliance with California's labor laws.

For all of these reasons, SEIU asks for a NO vote on AB 2812. Please call me if you have any questions.

Sincerely,



Allen Davenport

Director of Government Relations

cc: The Honorable Bob Huff

Members, Assembly Committee on Labor & Employment